

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>LAKE COUNTRY MOTORS, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-12-433-RAW</b>
	)	
<b>WESTERN HERITAGE INS. CO.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Before the Court is the motion of the plaintiff to remand. Defendant has not filed an objection to the motion. Defendant removed the action from the District Court of Murray County, Oklahoma, on the basis that the controversy was between parties who are citizens of different states with an amount in controversy in excess of \$75,000. *See* 28 U.S.C. §1332(a)(1).

In the motion to remand, plaintiff represents to the court\* that it is not claiming and does not intend to claim an amount in excess of \$75,000, exclusive of interest and costs, if the case is remanded to state court. The burden is on the party requesting removal to establish that the amount in controversy exceeds the jurisdictional minimum. *See Frederick v. Hartford Underwriters Ins. Co.*, 683 F.3d 1242, 1245 (10<sup>th</sup> Cir.2012). Based upon the present record, the court finds remand appropriate.

---

\*Plaintiff has not presented a formal stipulation or affidavit, but the representation is of course subject to Rule 11 F.R.Cv.P.

It is the Order of the Court that the motion of the plaintiff to remand (#7) is hereby GRANTED. Pursuant to 28 U.S.C. §1447(c), this action is hereby remanded to the District Court of Murray County, State of Oklahoma.

**ORDERED THIS 29<sup>th</sup> DAY OF NOVEMBER, 2012.**

**Dated this 29<sup>th</sup> day of November, 2012.**

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma